

FIRST REGULAR SESSION

# SENATE BILL NO. 104

94TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR STOUFFER.

Pre-filed December 1, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

0317S.011

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## AN ACT

To repeal sections 43.251, 302.133, 302.134, 302.135, 302.136, 302.137, 302.178, 577.608, and 650.005, RSMo, and to enact in lieu thereof ten new sections relating to the authority of the state highways and transportation commission over certain highway safety programs previously administered by the division of highway safety or the department of public safety.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 43.251, 302.133, 302.134, 302.135, 302.136, 302.137, 302.178, 577.608, and 650.005, RSMo, are repealed and ten new sections enacted in lieu thereof, to be known as sections 43.251, 226.131, 302.133, 302.134, 302.135, 302.136, 302.137, 302.178, 577.608, and 650.005, to read as follows:

43.251. 1. The [Missouri division of highway safety] **state highways and transportation commission** shall prepare and upon request supply to police departments, sheriffs, and other appropriate agencies or individuals forms for written accident reports as required by section 43.250 and this section. Reports shall call for sufficiently detailed information to disclose, with reference to a vehicle accident, the cause, conditions then existing and the persons and vehicles involved.

2. Every written or computer-generated accident report required to be made shall be submitted on the appropriate form or in the appropriate computer format approved by the superintendent of the Missouri state highway patrol and shall contain all the information required therein unless not available.

**226.131. 1. The commission shall have responsibility and**

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

2 authority, as provided in this chapter and sections 210.104 and 210.107,  
3 RSMo, section 302.302, RSMo, section 307.178, RSMo, and sections 577.600  
4 to 577.612, RSMo, for the administration of:

5 (1) All state highway safety programs and public outreach,  
6 highway safety problem identification and development of  
7 countermeasures thereof, monitoring of all programs relating to highway  
8 safety, including but not limited to seat belt and child safety seat  
9 programs and reception, budgeting, and evaluation of federal highway  
10 safety grants and any other federal, state, or other funds to be expended  
11 within this state for highway safety purposes;

12 (2) Preparation of the Missouri highway safety plan and reception  
13 of all highway safety funds as they relate to section 402 of Title 23 of the  
14 United States Code or any other federal, state, or other grants relating  
15 to highway safety, the motor carrier safety assistance program, or the  
16 safe routes to school program, and the expenditure of such funds within  
17 this state;

18 (3) Compliance by motorcycle and driver improvement program  
19 administrators with applicable requirements relating to how such  
20 programs are conducted and their accreditation in accordance with  
21 section 302.302, RSMo;

22 (4) Compliance by manufacturers of ignition-interlock devices  
23 with applicable requirements relating to how such devices are  
24 constructed and their accreditation in accordance with sections 577.600  
25 to 577.614, RSMo; and

26 (5) Compliance with the provisions of any act of Congress or any  
27 federal rule relating to federal highway safety programs as a condition  
28 precedent for the purpose of securing to the state of Missouri federal  
29 highway safety funds apportioned to this state by the United States  
30 government.

31 2. The commission shall carry out all powers, duties, and  
32 functions relating to highway safety previously performed by the  
33 division of highway safety within the department of public safety.

34 3. All the powers, duties, and functions described in subsections  
35 1 and 2 of this section, including but not limited to all powers, duties,  
36 and functions relating to highway safety under this chapter and  
37 chapters 43, 210, 302, 307, and 577, RSMo, including all rules, regulations,  
38 and orders are transferred to the department of transportation, which

39 is in charge of the highways and transportation commission, by type I  
40 transfer, as defined in the omnibus state reorganization act of 1974, and  
41 the preceding agency no longer shall be responsible for those powers,  
42 duties, and functions.

43 4. The division of highway safety within the department of public  
44 safety is abolished.

45 5. Contracts, credentials, accreditations, and authorizations  
46 issued by the transferring agency or officials of the agency before  
47 August 28, 2003, shall remain in force or expire as provided by law. In  
48 addition, the commission shall have the authority to enforce such  
49 contracts, credentials, accreditations, and authorizations.

302.133. As used in sections 302.133 to 302.138, the following terms mean:

2

3 (1) "Commission", the highways and transportation commission  
4 created in article IV, section 29, of the Constitution of the state of  
5 Missouri;

6 (2) "Department", the department of [public safety] transportation  
7 created in article IV, section 29, of the Constitution of the state of  
8 Missouri;

9 [(2)] (3) "Director", the director of the department of [public safety]  
10 transportation created in section 226.040, RSMo;

11 [(3)] (4) "Instructor", a licensed motorcycle operator who meets the  
12 standards established by the [department] commission to teach the motorcycle  
13 rider training course;

14 [(4)] (5) "Motorcycle", a motorcycle or motortricycle as those terms are  
15 defined by section 301.010, RSMo;

16 [(5)] (6) "Motorcycle rider training course", a motorcycle rider education  
17 curriculum and delivery system approved by the [department] commission as  
18 meeting standards designed to develop and instill the knowledge, attitudes,  
19 habits, and skills necessary for the safe operation of a motorcycle.

302.134. 1. The [department] commission shall establish standards for  
2 and shall administer the motorcycle safety education program. The program shall  
3 include, but is not limited to, motorcycle rider training and instructor training  
4 courses. The [department] commission may expand the program to include  
5 components relating to the effect of alcohol and drugs on motorcycle operation,  
6 public awareness of motorcycles on the highways, driver improvement for  
7 motorcyclists, motorcycle operator licensing improvement, program promotion,

8 and other motorcycle safety efforts.

9           2. Standards adopted by the [department] **commission** for the motorcycle  
10 safety education program, including standards for instructor qualification and  
11 standards for the motorcycle rider training and instructor training courses, shall,  
12 at a minimum, comply with the applicable standards of the Motorcycle Safety  
13 Foundation.

14           3. The [department] **commission** shall promulgate rules and regulations  
15 necessary to administer the provisions of sections 302.133 to 302.138.

16           4. No rule or portion of a rule promulgated under the authority of this  
17 chapter shall become effective until it has been approved by the joint committee  
18 on administrative rules in accordance with the procedures provided in this  
19 section, and the delegation of the legislative authority to enact law by the  
20 adoption of such rules is dependent upon the power of the joint committee on  
21 administrative rules to review and suspend rules pending ratification by the  
22 senate and the house of representatives as provided in this section.

23           5. Upon filing any proposed rule with the secretary of state, the  
24 [department] **commission** shall concurrently submit such proposed rule to the  
25 committee, which may hold hearings upon any proposed rule or portion thereof  
26 at any time.

27           6. A final order of rulemaking shall not be filed with the secretary of state  
28 until thirty days after such final order of rulemaking has been received by the  
29 committee. The committee may hold one or more hearings upon such final order  
30 of rulemaking during the thirty-day period. If the committee does not disapprove  
31 such order of rulemaking within the thirty-day period, the [department]  
32 **commission** may file such order of rulemaking with the secretary of state and  
33 the order of rulemaking shall be deemed approved.

34           7. The committee may, by majority vote of the members, suspend the  
35 order of rulemaking or portion thereof by action taken prior to the filing of the  
36 final order of rulemaking only for one or more of the following grounds:

- 37           (1) An absence of statutory authority for the proposed rule;  
38           (2) An emergency relating to public health, safety or welfare;  
39           (3) The proposed rule is in conflict with state law;  
40           (4) A substantial change in circumstance since enactment of the law upon  
41 which the proposed rule is based.

42           8. If the committee disapproves any rule or portion thereof, the  
43 [department] **commission** shall not file such disapproved portion of any rule  
44 with the secretary of state and the secretary of state shall not publish in the

45 Missouri Register any final order of rulemaking containing the disapproved  
46 portion.

47 9. If the committee disapproves any rule or portion thereof, the committee  
48 shall report its findings to the senate and the house of representatives. No rule  
49 or portion thereof disapproved by the committee shall take effect so long as the  
50 senate and the house of representatives ratify the act of the joint committee by  
51 resolution adopted in each house within thirty legislative days after such rule or  
52 portion thereof has been disapproved by the joint committee.

53 10. Upon adoption of a rule as provided in this section, any such rule or  
54 portion thereof may be suspended or revoked by the general assembly either by  
55 bill or, pursuant to section 8, article IV of the Constitution of Missouri, by  
56 concurrent resolution upon recommendation of the joint committee on  
57 administrative rules. The committee shall be authorized to hold hearings and  
58 make recommendations pursuant to the provisions of section 536.037, RSMo. The  
59 secretary of state shall publish in the Missouri Register, as soon as practicable,  
60 notice of the suspension or revocation.

302.135. 1. The [department] **commission** may enter into contracts with  
2 public or private institutions or organizations for technical assistance in  
3 conducting motorcycle rider training courses and instructor training courses if  
4 they are administered and taught in accordance with standards established by the  
5 [department] **commission**.

6 2. The [department] **commission** or a contracting institution or  
7 organization conducting a course may charge a reasonable tuition fee as  
8 determined by the [director] **commission**.

9 3. The [department] **commission** shall issue certificates of completion in  
10 the manner and form prescribed by the director to persons who satisfactorily  
11 complete the requirements of the state-approved course. Completion of the course  
12 shall be indicated upon the person's driver's license. A sticker or other evidence  
13 of completion shall be issued for the license until the license is subsequently  
14 renewed.

302.136. The [director] **commission** shall by regulation establish the  
2 "Motorcycle Safety Program Advisory Committee" to assist in the development  
3 and implementation of the program. The committee shall consist of [seven] **eight**  
4 members and shall include members representing the motoring public, motorcycle  
5 dealerships, motorcycle instructors, law enforcement agencies, [the] motorcycle  
6 safety education [program] **programs, the department**, and the department of  
7 public safety. Beginning on August 28, 1999, the governor shall appoint the

8 members of the committee for terms of three years; except those first appointed  
9 by the governor, two shall be for terms of one year, two shall be for terms of two  
10 years and three shall be for terms of three years. The committee shall appoint  
11 a [chairman] **chair** and meet at least two times per year. Members shall serve  
12 without compensation, but may be reimbursed for [their] **the** reasonable expenses  
13 incurred in the performance of [their] **such members'** duties.

302.137. 1. There is hereby created in the state treasury for use by the  
2 [department of public safety] **commission** a fund to be known as the "Motorcycle  
3 Safety Trust Fund". All **surcharges on** judgments collected pursuant to this  
4 section, appropriations of the general assembly, federal grants, private donations  
5 and any other moneys designated for the motorcycle safety education program  
6 established pursuant to sections 302.133 to 302.138 shall be deposited in the  
7 fund. Moneys deposited in the fund shall, upon appropriation by the general  
8 assembly [to the department of public safety], be received and expended by the  
9 [department of public safety] **commission** for the purpose of funding the  
10 motorcycle safety education program established under sections 302.133 to  
11 302.138. Notwithstanding the provisions of section 33.080, RSMo, to the contrary,  
12 any unexpended balance in the motorcycle safety trust fund at the end of any  
13 biennium shall not be transferred to the general revenue fund.

14 2. In all criminal cases, including violations of any county ordinance or  
15 any violation of criminal or traffic laws of this state, including an infraction, there  
16 shall be assessed as costs a surcharge in the amount of one dollar. No such  
17 surcharge shall be collected in any proceeding involving a violation of an  
18 ordinance or state law when the proceeding or defendant has been dismissed by  
19 the court or when costs are to be paid by the state, county or municipality.

20 3. Such surcharge shall be collected and distributed by the clerk of the  
21 court as provided in sections 488.010 to 488.020, RSMo. The surcharge collected  
22 pursuant to this section shall be paid to the state treasury to the credit of the  
23 motorcycle safety trust fund established in this section.

302.178. 1. Any person between the ages of sixteen and eighteen years  
2 who is qualified to obtain a license pursuant to sections 302.010 to 302.340 may  
3 apply for, and the director shall issue, an intermediate driver's license entitling  
4 the applicant, while having such license in his or her possession, to operate a  
5 motor vehicle of the appropriate class upon the highways of this state in  
6 conjunction with the requirements of this section. An intermediate driver's  
7 license shall be readily distinguishable from a license issued to those over the age  
8 of eighteen. All applicants for an intermediate driver's license shall:

- 9 (1) Successfully complete the examination required by section 302.173;
- 10 (2) Pay the fee required by subsection 4 of this section;
- 11 (3) Have had a temporary instruction permit issued pursuant to  
12 subsection 1 of section 302.130 for at least a six-month period or a valid license  
13 from another state; and
- 14 (4) Have a parent, grandparent, legal guardian, or, if the applicant is a  
15 participant in a federal residential job training program, a driving instructor  
16 employed by a federal residential job training program, sign the application  
17 stating that the applicant has completed at least forty hours of supervised driving  
18 experience under a temporary instruction permit issued pursuant to subsection  
19 1 of section 302.130, or, if the applicant is an emancipated minor, the person over  
20 twenty-one years of age who supervised such driving. For purposes of this  
21 section, the term "emancipated minor" means a person who is at least sixteen  
22 years of age, but less than eighteen years of age, who:
- 23 (a) Marries with the consent of the legal custodial parent or legal  
24 guardian pursuant to section 451.080, RSMo;
- 25 (b) Has been declared emancipated by a court of competent jurisdiction;
- 26 (c) Enters active duty in the armed forces;
- 27 (d) Has written consent to the emancipation from the custodial parent or  
28 legal guardian; or
- 29 (e) Through employment or other means provides for such person's own  
30 food, shelter and other cost-of-living expenses;
- 31 (5) Have had no alcohol-related enforcement contacts as defined in section  
32 302.525 during the preceding twelve months; and
- 33 (6) Have no nonalcoholic traffic convictions for which points are assessed  
34 pursuant to section 302.302, within the preceding six months.
- 35 2. An intermediate driver's license grants the licensee the same privileges  
36 to operate that classification of motor vehicle as a license issued pursuant to  
37 section 302.177, except that no person shall operate a motor vehicle on the  
38 highways of this state under such an intermediate driver's license between the  
39 hours of 1:00 a.m. and 5:00 a.m. unless accompanied by a person described in  
40 subsection 1 of section 302.130; except the licensee may operate a motor vehicle  
41 without being accompanied if the travel is to or from a school or educational  
42 program or activity, a regular place of employment or in emergency situations as  
43 defined by the director by regulation.
- 44 3. Each intermediate driver's license shall be restricted by requiring that  
45 the driver and all passengers in the licensee's vehicle wear safety belts at all

46 times. This safety belt restriction shall not apply to a person operating a  
47 motorcycle. For the first six months after issuance of the intermediate driver's  
48 license, the holder of the license shall not operate a motor vehicle with more than  
49 one passenger who is under the age of nineteen who is not a member of the  
50 holder's immediate family. As used in this subsection, an intermediate driver's  
51 license holder's immediate family shall include brothers, sisters, stepbrothers or  
52 stepsisters of the driver, including adopted or foster children residing in the same  
53 household of the intermediate driver's license holder. After the expiration of the  
54 first six months, the holder of an intermediate driver's license shall not operate  
55 a motor vehicle with more than three passengers who are under nineteen years  
56 of age and who are not members of the holder's immediate family. The passenger  
57 restrictions of this subsection shall not be applicable to any intermediate driver's  
58 license holder who is operating a motor vehicle being used in agricultural  
59 work-related activities.

60 4. Notwithstanding the provisions of section 302.177 to the contrary, the  
61 fee for an intermediate driver's license shall be five dollars and such license shall  
62 be valid for a period of two years.

63 5. Any intermediate driver's licensee accumulating six or more points in  
64 a twelve-month period may be required to participate in and successfully complete  
65 a driver-improvement program approved by the director of the department of  
66 public safety **or the state highways and transportation commission**. The  
67 driver-improvement program ordered by the director of revenue shall not be used  
68 in lieu of point assessment.

69 6. (1) An intermediate driver's licensee who has, for the preceding  
70 twelve-month period, had no alcohol-related enforcement contacts, as defined in  
71 section 302.525 and no traffic convictions for which points are assessed, upon  
72 reaching the age of eighteen years or within the thirty days immediately  
73 preceding their eighteenth birthday may apply for and receive without further  
74 examination, other than a vision test as prescribed by section 302.173, a license  
75 issued pursuant to this chapter granting full driving privileges. Such person shall  
76 pay the required fee for such license as prescribed in section 302.177.

77 (2) If an intermediate driver's license expires on a Saturday, Sunday, or  
78 legal holiday, such license shall remain valid for the five business days  
79 immediately following the expiration date. In no case shall a licensee whose  
80 intermediate driver's license expires on a Saturday, Sunday, or legal holiday be  
81 guilty of an offense of driving with an expired or invalid driver's license if such  
82 offense occurred within five business days immediately following an expiration

83 date that occurs on a Saturday, Sunday, or legal holiday.

84 (3) The director of revenue shall deny an application for a full driver's  
85 license until the person has had no traffic convictions for which points are  
86 assessed for a period of twelve months prior to the date of application for license  
87 or until the person is eligible to apply for a six-year driver's license as provided  
88 for in section 302.177, provided the applicant is otherwise eligible for full driving  
89 privileges. An intermediate driver's license shall expire when the licensee is  
90 eligible and receives a full driver's license as prescribed in subdivision (1) of this  
91 section.

92 7. No person upon reaching the age of eighteen years whose intermediate  
93 driver's license and driving privilege is denied, suspended, canceled or revoked in  
94 this state or any other state for any reason may apply for a full driver's license  
95 until such license or driving privilege is fully reinstated. Any such person whose  
96 intermediate driver's license has been revoked pursuant to the provisions of  
97 sections 302.010 to 302.540 shall, upon receipt of reinstatement of the revocation  
98 from the director, pass the complete driver examination, apply for a new license,  
99 and pay the proper fee before again operating a motor vehicle upon the highways  
100 of this state.

101 8. A person shall be exempt from the intermediate licensing requirements  
102 if the person has reached the age of eighteen years and meets all other licensing  
103 requirements.

104 9. Any person who violates any of the provisions of this section relating  
105 to intermediate drivers' licenses or the provisions of section 302.130 relating to  
106 temporary instruction permits is guilty of an infraction, and no points shall be  
107 assessed to his or her driving record for any such violation.

108 10. Any rule or portion of a rule, as that term is defined in section  
109 536.010, RSMo, that is created under the authority delegated in this section shall  
110 become effective only if it complies with and is subject to all of the provisions of  
111 chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and  
112 chapter 536, RSMo, are nonseverable and if any of the powers vested with the  
113 general assembly pursuant to chapter 536, RSMo, to review, to delay the effective  
114 date or to disapprove and annul a rule are subsequently held unconstitutional,  
115 then the grant of rulemaking authority and any rule proposed or adopted after  
116 August 28, 2000, shall be invalid and void.

577.608. 1. The [department of public safety] **state highways and**  
2 **transportation commission** shall certify or cause to be certified ignition  
3 interlock devices required by sections 577.600 to 577.614 and publish a list of

4 approved devices.

5           2. The [department of public safety] **commission** shall adopt guidelines  
6 for the proper use of the ignition interlock devices in full compliance with sections  
7 577.600 to 577.614.

8           3. The [department of public safety] **commission** shall use information  
9 from an independent agency to certify ignition interlock devices on or off the  
10 premises of the manufacturer in accordance with the guidelines. The cost of  
11 certification shall be borne by the manufacturers of interlock ignition devices. In  
12 certifying the devices, those which do not impede the safe operation of the vehicle  
13 and which have the fewest opportunities to be bypassed so as to render the  
14 provisions of sections 577.600 to 577.614 ineffective shall be certified.

15           4. No model of ignition interlock device shall be certified unless it meets  
16 the accuracy requirements specified by the guidelines of the [department of public  
17 safety] **commission**.

18           5. Before certifying any device, the [department of public safety]  
19 **commission** shall consult with the National Highway Traffic Safety  
20 Administration regarding the use of ignition interlock devices.

650.005. 1. There is hereby created a "Department of Public Safety" in  
2 charge of a director appointed by the governor with the advice and consent of the  
3 senate. The department's role will be to provide overall coordination in the  
4 state's public safety and law enforcement program, to provide channels of  
5 coordination with local and federal agencies in regard to public safety, law  
6 enforcement and with all correctional and judicial agencies in regard to matters  
7 pertaining to its responsibilities as they may interrelate with the other agencies  
8 or offices of state, local or federal governments.

9           2. All the powers, duties and functions of the state highway patrol,  
10 chapter 43, RSMo, and others, are transferred by type II transfer to the  
11 department of public safety. The governor by and with the advice and consent of  
12 the senate shall appoint the superintendent of the patrol. With the exception of  
13 sections 43.100 to 43.120, RSMo, relating to financial procedures, the director of  
14 public safety shall succeed the state highways and transportation commission in  
15 approving actions of the superintendent and related matters as provided in  
16 chapter 43, RSMo. Uniformed members of the patrol shall be selected in the  
17 manner provided by law and shall receive the compensation provided by  
18 law. Nothing in the Reorganization Act of 1974, however, shall be interpreted to  
19 affect the funding of appropriations or the operation of chapter 104, RSMo,  
20 relating to retirement system coverage or section 226.160, RSMo, relating to

21 workers' compensation for members of the patrol.

22           3. All the powers, duties and functions of the supervisor of liquor control,  
23 chapters 311 and 312, RSMo, and others, are transferred by type II transfer to  
24 the department of public safety. The supervisor shall be nominated by the  
25 department director and appointed by the governor with the advice and consent  
26 of the senate. The supervisor shall appoint such agents, assistants, deputies and  
27 inspectors as limited by appropriations. All employees shall have the  
28 qualifications provided by law and may be removed by the supervisor or director  
29 of the department as provided in section 311.670, RSMo.

30           4. [The director of public safety, superintendent of the highway patrol and  
31 transportation division of the department of economic development are to examine  
32 the motor carrier inspection laws and practices in Missouri to determine how best  
33 to enforce the laws with a minimum of duplication, harassment of carriers and  
34 to improve the effectiveness of supervision of weight and safety requirements and  
35 to report to the governor and general assembly by January 1, 1975, on their  
36 findings and on any actions taken.

37           5. The Missouri division of highway safety is transferred by type I transfer  
38 to the department of public safety. The division shall be in charge of a director  
39 who shall be appointed by the director of the department.

40           6.] All the powers, duties and functions of the safety and fire prevention  
41 bureau of the department of public health and welfare are transferred by type I  
42 transfer to the director of public safety.

43           [7.] 5. All the powers, duties and functions of the state fire marshal,  
44 chapter 320, RSMo, and others, are transferred to the department of public safety  
45 by a type I transfer.

46           [8.] 6. All the powers, duties and functions of the law enforcement  
47 assistance council administering federal grants, planning and the like relating to  
48 Public Laws 90-351, 90-445 and related acts of Congress are transferred by type  
49 I transfer to the director of public safety. The director of public safety shall  
50 appoint such advisory bodies as are required by federal laws or regulations. The  
51 council is abolished.

52           [9.] 7. The director of public safety shall promulgate motor vehicle  
53 regulations and be ex officio a member of the safety compact commission in place  
54 of the director of revenue and all powers, duties and functions relating to chapter  
55 307, RSMo, are transferred by type I transfer to the director of public safety.

56           [10.] 8. The office of adjutant general and the state militia are assigned  
57 to the department of public safety; provided, however, nothing herein shall be

58 construed to interfere with the powers and duties of the governor as provided in  
59 article IV, section 6 of the Constitution of the state of Missouri or chapter 41,  
60 RSMo.

61 [11.] 9. All the powers, duties and functions of the Missouri boat  
62 commission, chapter 306, RSMo, and others, are transferred by type I transfer to  
63 the "Missouri State Water Patrol", which is hereby created, in the department of  
64 public safety. The Missouri boat commission and the office of secretary to the  
65 commission are abolished. The Missouri state water patrol shall be headed by a  
66 boat commissioner who shall be appointed by the governor, with the advice and  
67 consent of the senate. All deputy boat commissioners and all other employees of  
68 the commission who were employed on February 1, 1974, shall be transferred to  
69 the water patrol and they shall be immediately covered by the provisions of  
70 chapter 36, RSMo, without further qualification. All deputy boat commissioners  
71 and others employed by the water patrol after May 2, 1974, shall be selected and  
72 removed pursuant to the provisions of chapter 36, RSMo.

73 [12.] 10. The division of veterans affairs, chapter 42, RSMo, is assigned  
74 to the office of adjutant general. The adjutant general, with the advice of the  
75 veterans' board, shall appoint the director of the division of veterans affairs who  
76 shall serve at the pleasure of the adjutant general.

77 [13.] 11. Any rule or portion of a rule, as that term is defined in section  
78 536.010, RSMo, that is promulgated under the authority of this chapter, shall  
79 become effective only if the agency has fully complied with all of the requirements  
80 of chapter 536, RSMo, including but not limited to, section 536.028, RSMo, if  
81 applicable, after August 28, 1999. If the provisions of section 536.028, RSMo,  
82 apply, the provisions of this section are nonseverable and if any of the powers  
83 vested with the general assembly pursuant to section 536.028, RSMo, to review,  
84 to delay the effective date, or to disapprove and annul a rule or portion of a rule  
85 are held unconstitutional or invalid, the purported grant of rulemaking authority  
86 and any rule so proposed and contained in the order of rulemaking shall be  
87 invalid and void, except that nothing in this section shall affect the validity of any  
88 rule adopted and promulgated prior to August 28, 1999.

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